

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

CMMG, Inc.,

Plaintiff,

v.

C Products Defense, Inc.,

Defendant.

Case No. 2:19-cv-04130-NKL

TEMPORARY RESTRAINING ORDER

Plaintiff has requested a Temporary Restraining Order. On June 25, 2019, the parties presented argument, Doc. 4, and the Court granted plaintiff's request. The Court finds the following:

1. Plaintiff is likely to prevail on the merits in that plaintiff has asserted a claim for common law breach of contract and, based upon the verified petition, argument by the parties and the evidence presented, it appears that plaintiff and defendant entered into an agreement whereby plaintiff agreed to provide defendant with the information necessary to manufacture a Winchester .350 Legend magazine and to purchase a specified number of them from the defendant, and defendant agreed not to sell these magazines to anyone other than plaintiff for at least one month after filling plaintiff's order and to maintain a specified level of magazines at all times to fill the orders of plaintiff; plaintiff performed plaintiff's obligations under the agreement; defendant failed to perform defendant's obligations under the agreement; and plaintiff was thereby damaged.

2. Plaintiff is facing immediate and irreparable harm in that if defendant is not restrained from selling the Winchester .350 Legend magazine to others, plaintiff will be unable to fill orders for its firearms, and as a result, plaintiff's reputation, goodwill, loyalty, and business relationships with current and prospective customers will suffer, and monetary damages would be insufficient to adequately compensate plaintiff for this harm. In addition, current and prospective customers will go elsewhere, thereby causing further harm for which monetary damages would not adequately compensate plaintiff.
3. An injunction bond in the amount of \$5,000 is sufficient to secure the matter enjoined in the event the injunction is dissolved.
4. Defendant was given reasonable notice of plaintiff's motion for a temporary restraining order.

WHEREFORE, the Court hereby orders defendant C Products Defense, Inc. not to sell any Winchester .350 Legend magazine to anyone other than plaintiff CMMG, Inc. until defendant C Products Defense, Inc. has fulfilled plaintiff's current and future orders, and otherwise performed in accordance with the parties' contract.

This Order is issued on the 25th day of June, 2019.

This Order shall expire on the 5th day of July, 2019 at 5:00 PM, unless extended in accordance with Federal Rule of Civil Procedure 65.

Plaintiff is ordered to file a bond in the amount of \$5,000 or deliver payment of immediately available funds in the amount of \$5,000 to the Court.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: June 25, 2019
Jefferson City, Missouri